

117TH CONGRESS  
2D SESSION

# S. 3807

To address the supply chain backlog in the freight network at United States ports, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 7), 2022

Mr. LEE (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To address the supply chain backlog in the freight network at United States ports, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stopping Hindrances  
5       to Invigorate Ports and Increase Trade Act” or the  
6       “SHIP IT Act”.

7       **SEC. 2. SENSE OF CONGRESS.**

8       It is the sense of Congress that the unprecedented  
9       supply chain backlog in the freight network of the United  
10      States is a national crisis that warrants congressional au-

1 thorization of short-term Federal emergency actions to  
2 ameliorate that crisis.

3 **SEC. 3. ADDRESSING SUPPLY CHAIN CRISIS IN UNITED**  
4 **STATES.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal  
7 Motor Carrier Safety Administration.

8 (2) COMMERCIAL MOTOR VEHICLE; DRIVER;  
9 MOTOR CARRIER.—The terms “commercial motor ve-  
10 hicle”, “driver”, and “motor carrier” have the mean-  
11 ings given those terms in section 390.5 of title 49,  
12 Code of Federal Regulations (or a successor regula-  
13 tion).

14 (3) DIRECT ASSISTANCE TO A UNITED STATES  
15 PORT.—

16 (A) IN GENERAL.—The term “direct as-  
17 sistance to a United States port” means the  
18 transportation of cargo directly to or from a  
19 United States port.

20 (B) EXCLUSIONS.—The term “direct as-  
21 sistance to a United States port” does not in-  
22 clude—

23 (i) the transportation of a mixed load  
24 of cargo that includes—



1 date that is 1 year after the date of enactment of  
2 this Act.

3 (b) FMCSA TEMPORARY WAIVERS.—

4 (1) TEMPORARY WAIVER OF CERTAIN REQUIRE-  
5 MENTS.—

6 (A) IN GENERAL.—Not later than 7 days  
7 after the date of enactment of this Act, the Ad-  
8 ministrator shall issue to each qualified appli-  
9 cant a temporary waiver that, subject to para-  
10 graph (3), waives the requirements of parts 390  
11 through 399 of title 49, Code of Federal Regu-  
12 lations (or successor regulations), with respect  
13 to commercial motor vehicle operations that are  
14 providing direct assistance to a United States  
15 port.

16 (B) ELIGIBILITY.—An applicant is eligible  
17 for a temporary waiver under subparagraph (A)  
18 if the applicant is a motor carrier or driver that  
19 provides direct assistance to a United States  
20 port.

21 (2) TEMPORARY WAIVER OF MINIMUM AGE RE-  
22 QUIREMENT.—

23 (A) IN GENERAL.—Not later than 2 days  
24 after the date of enactment of this Act, the Ad-  
25 ministrator shall issue to each qualified appli-

1           cant a temporary waiver from the requirement  
2           of section 391.11(b)(1) of title 49, Code of Fed-  
3           eral Regulations (or a successor regulation), for  
4           drivers that are at least 18 years old, subject to  
5           paragraph (3).

6                 (B) ELIGIBILITY.—An applicant is eligible  
7           for a temporary waiver under subparagraph (A)  
8           if the applicant—

- 9                             (i) is providing direct assistance to a  
10                             United States port; or  
11                             (ii) is directly assuming the commer-  
12                             cial motor vehicle operations of a driver  
13                             who has been rerouted to a United States  
14                             port to provide direct assistance to a  
15                             United States port.

16                 (3) REQUIREMENTS.—A temporary waiver  
17           under paragraph (1) or (2) shall not exempt any  
18           motor carrier or driver from—

19                             (A) the hazardous materials regulations  
20                             described in subchapters A through C of chap-  
21                             ter I of subtitle B of title 49, Code of Federal  
22                             Regulations (or successor regulations);

23                             (B) the controlled substances and alcohol  
24                             use and testing requirements described in part  
25                             382 of that title (or successor regulations);

(C) except as provided in paragraph (2), the commercial driver's license requirements described in part 383 of that title (or successor regulations);

(D) the financial responsibility (including insurance) requirements described in part 387 of that title (or successor regulations);

(E) the requirement that every commercial motor vehicle shall be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which the commercial motor vehicle is being operated, including any applicable speed limits and other traffic restrictions, as described in the first sentence of section 392.2 of that title (or a successor regulation);

(F) the prohibition against operating a commercial motor vehicle while the ability of the driver is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause as to make it unsafe for the driver to begin or continue to operate the commercial motor vehicle, as described in section 392.3 of that title (or a successor regulation);

(G) the prohibition against texting while driving described in section 392.80 of that title (or a successor regulation);

(I) any applicable size or weight requirement.

10 (4) DRIVER FATIGUE AND SAFETY.—

24 (c) TRANSPORTATION WORKER IDENTIFICATION  
25 CREDENTIALS.—The Administrator of the Transportation

1 Security Administration and the Commandant of the  
2 Coast Guard shall jointly prioritize and expedite the con-  
3 sideration of applications for a Transportation Worker  
4 Identification Credential with respect to applicants, in-  
5 cluding commercial drivers operating under a temporary  
6 waiver issued under subsection (b)(2), that reasonably  
7 demonstrate that the purpose of the Transportation Work-  
8 er Identification Credential is for providing, within the in-  
9 terior of the United States, direct assistance to a United  
10 States port.

11 (d) TEMPORARY WAIVER OF JONES ACT REQUIRE-  
12 MENTS FOR CERTAIN VESSELS TRANSPORTING CARGO.—

13 (1) AUTHORITY.—

14 (A) CERTIFICATE OF COASTWISE EN-  
15 DORSEMENT.—Notwithstanding section 12112  
16 of title 46, United States Code, and any other  
17 requirement under chapter 121 of that title, the  
18 Secretary of the department in which the Coast  
19 Guard is operating (referred to in this sub-  
20 section as the “Secretary”) may issue a certifi-  
21 cate of documentation with a coastwise endorse-  
22 ment under that chapter in accordance with  
23 this subsection for a vessel, without regard to  
24 whether the vessel meets the requirements of  
25 section 12112 of that title, in any case in which

1           the person requesting the certificate reasonably  
2           demonstrates the endorsement (or the resulting  
3           exemption under subparagraph (B)) is for the  
4           purpose of—

5                 (i) transporting cargo from a United  
6                 States port to another United States port  
7                 in order to relieve any congestion, backlog,  
8                 or delay at such a port; or

9                 (ii) engaging in operations that entail  
10                a ship-to-ship transfer of cargo from a ves-  
11                sel anchored or located off the coast of the  
12                United States to another vessel that trans-  
13                ports the cargo to a United States port  
14                (commonly known as “lightering oper-  
15                ations”).

16                 (B) EXEMPTION OF ADDITIONAL REQUIRE-  
17                MENTS.—Notwithstanding section 55102 of  
18                title 46, United States Code, during the period  
19                beginning on the date of enactment of this Act  
20                and ending on the expiration date described in  
21                paragraph (3), that section shall not apply to  
22                any vessel that has been issued a certificate of  
23                documentation with a coastwise endorsement  
24                under subparagraph (A).

25                 (2) TIMING.—

1                             (A) IN GENERAL.—Not later than 48  
2                             hours after receiving a request for a certificate  
3                             of documentation with a coastwise endorsement  
4                             under paragraph (1)(A), the Secretary shall, as  
5                             applicable—

6                                 (i) issue the certificate with the en-  
7                             dorsement; or

8                                 (ii)(I) provide to the person request-  
9                             ing the certificate a detailed description of  
10                             the reasons for denying the certificate; and

11                                 (II) publish the denial and description  
12                             of reasons on the website of the depart-  
13                             ment in which the Coast Guard is oper-  
14                             ating.

15                             (B) AUTOMATIC ISSUANCE.—In any case  
16                             in which the Secretary fails to comply with sub-  
17                             paragraph (A), a certificate of documentation  
18                             with a coastwise endorsement for the applicable  
19                             vessel shall be deemed to be issued under para-  
20                             graph (1)(A).

21                             (3) EXPIRATION.—The authority under this  
22                             subsection, including any certificate of coastwise en-  
23                             dorsement authorized under this section, shall expire  
24                             on the date that is 1 year after the date of enact-  
25                             ment of this Act.

## 1       (e) CONTAINER OVERFLOW STORAGE.—

2               (1) IN GENERAL.—Not later than 14 days after  
3               the date of enactment of this Act, the Secretary of  
4               Agriculture, the Secretary of Defense, the Secretary  
5               of the Interior, the Secretary of Transportation, and  
6               the Administrator of General Services shall jointly  
7               consult with representatives of ocean carriers, ports,  
8               railroads, and trucking companies—

9                       (A) to identify plots of Federal land under  
10                  the jurisdiction of the Secretary of Agriculture,  
11                  the Secretary of Defense, the Secretary of the  
12                  Interior, the Secretary of Transportation, or the  
13                  Administrator of General Services that—

14                       (i) are located within a 150 air-mile  
15                  radius of a United States port; and

16                       (ii) could temporarily be used as an  
17                  overflow area for the storage and transfer  
18                  of empty cargo containers in order to ease  
19                  the congestion and backlog at United  
20                  States ports; and

21                       (B) to designate not fewer than 2 plots of  
22                  Federal land identified under subparagraph (A)  
23                  for the use described in clause (ii) of that sub-  
24                  paragraph, subject to the conditions that—



**16 (f) LOAN OF DOD INTERMODAL EQUIPMENT.—**

17 (1) DEFINITIONS.—In this subsection:

(B) SECRETARY.—The term “Secretary” means the Secretary of Defense.

1 actment of this Act, the Secretary shall conduct an  
2 inventory of intermodal equipment that—

3 (A) is owned by the Department of De-  
4 fense;

5 (B) is located within the United States;  
6 and

7 (C) could be made available for loan to 1  
8 or more trucking companies for the purposes of  
9 easing congestion at United States ports.

10 (3) LOAN OF INTERMODAL EQUIPMENT.—

11 (A) PROCESS.—Not later than 7 days after  
12 the date on which the inventory under para-  
13 graph (2) is complete, the Secretary shall create  
14 a process for a trucking company to submit to  
15 the Secretary an application requesting the use  
16 of intermodal equipment identified in the inven-  
17 tory.

18 (B) CONDITIONS.—A loan of intermodal  
19 equipment under this subsection shall be sub-  
20 ject to the conditions that—

21 (i) the borrowing trucking company  
22 shall agree to reimburse the Secretary for  
23 any damage caused to the intermodal  
24 equipment during the period of the loan;

(ii) the use of the intermodal equipment by the trucking company shall be for a period not longer than 180 days; and

8 (C) FEES.—

(II) determines that charging a fee would be appropriate.

(iii) AMOUNT.—The amount of a fee under clause (i) shall be based on the market rate for similar loans or rentals of

1                   intermodal equipment or similar equipment  
2                   as of January 1, 2020.

3                   (iv) DEPOSIT AND USE.—Any fee col-  
4                   lected by the Secretary under clause (i)  
5                   shall be—

6                         (I) deposited in the general fund  
7                         of the Treasury; and

8                         (II) made available to the Sec-  
9                         retary, the Secretary of Agriculture,  
10                       the Secretary of the Interior, the Sec-  
11                       retary of Transportation, and the Ad-  
12                       ministrator of General Services for re-  
13                       mediation of any Federal land des-  
14                       gnated under subsection (e)(1)(B).

15                   (v) RESTRICTIONS.—A fee collected  
16                   under clause (i) may not be used—

17                         (I) until the designation of the  
18                         applicable plot of Federal land under  
19                         subsection (e)(1)(B) has expired; or

20                         (II) for any purpose other than  
21                         the remediation of land designated  
22                         under subsection (e)(1)(B).

23                   (4) RECALL OF INTERMODAL EQUIPMENT.—To  
24                   protect the national security of the United States,  
25                   the Secretary may recall any intermodal equipment

1       loaned to a trucking company under this subsection  
2       by issuing to the trucking company a notice not  
3       later than 72 hours before the time at which the  
4       intermodal equipment is required to be returned to  
5       the Secretary.

6 SEC. 4. DUTY-FREE TREATMENT OF CHASSIS IMPORTED  
7 FROM COUNTRIES WITH COLLECTIVE DE-  
8 FENSE ARRANGEMENTS WITH UNITED  
9 STATES.

10 During the 2-year period beginning on the date of  
11 enactment of this Act, a finished or unfinished chassis  
12 classified under statistical reporting number  
13 8716.39.0090, 8716.90.5010, or 8716.90.5060 of the  
14 Harmonized Tariff Schedule of the United States and im-  
15 ported from a country with which the United States has  
16 in effect a collective defense arrangement as of such date  
17 of enactment shall enter the United States free of duty.

18 SEC. 5. USE OF UNITED STATES INLAND PORTS FOR STOR-  
19 AGE AND TRANSFER OF CARGO.

20 (a) MEETING.—Not later than 90 days after the date  
21 of enactment of this Act, the Administrator of the Mari-  
22 time Administration and the Chairperson of the Federal  
23 Maritime Commission, acting jointly, shall convene a  
24 meeting of representatives of entities described in sub-  
25 section (b) to discuss the long-term feasibility of, and

1 strategies for, using land or property under the jurisdiction  
2 of United States inland ports for the storage and  
3 transfer of cargo containers.

4 (b) DESCRIPTION OF ENTITIES.—The entities referred to in subsection (a) are—

- 6 (1) major gateway ports in the United States;
- 7 (2) ocean carriers;
- 8 (3) railroads;
- 9 (4) trucking companies; and
- 10 (5) United States inland port authorities.

11 **SEC. 6. REPORT ON ADOPTION OF TECHNOLOGY AT  
12 UNITED STATES PORTS.**

13 Not later than 1 year after the date of enactment  
14 of this Act, the Comptroller General of the United States  
15 shall submit to Congress a report describing the adoption  
16 of technology at United States ports, as compared to that  
17 adoption at foreign ports, including—

18 (1) the technological capabilities of United  
19 States ports, including the use of automated technology,  
20 as compared to foreign ports;

21 (2) an assessment of whether the adoption of  
22 automated technology at United States ports could  
23 lower the costs of cargo handling; and

(3) an assessment of regulatory and other barriers to the adoption of automated technology at United States ports.

## **4 SEC. 7. ALLIED PARTNERSHIP AND PORT MODERNIZATION.**

5       (a) DREDGING.—Section 55109 of title 46, United  
6 States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “subsection (b)” and inserting “subsections (b) and (c)”;

14        "(c) DREDGING BY NATO-AFFILIATED VESSELS.—

15               “(1) IN GENERAL.—A vessel described in para-  
16               graph (2) may engage in dredging in the navigable  
17               waters of the United States.

18        "(2) DESCRIPTION OF VESSELS.—A vessel re-  
19        ferred to in paragraph (1) is a vessel—

20                 “(A) documented under the laws of a coun-  
21                 try that is a member of the North Atlantic  
22                 Treaty Organization;

23                           “(B) built by—

1                         “(ii) a major non-NATO ally (as de-  
2                         fined in section 2350a(i) of title 10); and  
3                         “(C) a majority of the owners and opera-  
4                         tors of which are entities incorporated in a  
5                         country that is a member of the North Atlantic  
6                         Treaty Organization.”.

7                 (b) EXCLUDING DREDGED MATERIAL FROM TRANS-  
8                         PORTATION REQUIREMENTS.—

9                         (1) IN GENERAL.—Section 55110 of title 46,  
10                         United States Code, is amended—

11                         (A) in the section heading, by striking “**or**  
12                         **dredged material**” and inserting “**(ex-**  
13                         **cluding dredged material)**”; and

14                         (B) by striking “or dredged material” and  
15                         inserting “(excluding dredged material)”.

16                 (2) CONFORMING AMENDMENT.—The analysis  
17                         for chapter 551 of title 46, United States Code, is  
18                         amended by striking the item relating to section  
19                         55110 and inserting the following:

“55110. Transportation of valueless material (excluding dredged material).”.

